

Message Text

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ACTION EUR-12

INFO OCT-01 ARA-06 IO-10 ISO-00 SCCT-01 CIAE-00 DODE-00

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C O N F I D E N T I A L SECTION 1 OF 2 MADRID 7102

E.O. 11652: GDS

TAGS: PFOR, PINT, SP

SUBJECT: TERRORISM: AN INTERIM OUTLOOK

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REF: MADRID 6038

SUMMARY: NO SYMPATHY EXISTS FOR THE TERRORISTS OUTSIDE THE BASQUE PROVINCES, BUT TERRORISM WILL LIKELY CONTINUE, EVEN THOUGH THE BASQUE ETA AND THE NONDESCRIPT FRAP HAVE BEEN HURT BY THE GOVT ARRESTS. AIDED BY SAFE-HAVENS IN FRENCH BASQUE COUNTRY AND IN PORTUGAL, THEIR SMALL ACTION GROUPS HAVE CONVINCINGLY DEMONSTRATED THEIR CAPACITY FOR RANDOM MURDER SINCE THE GOS EXECUTED FIVE TERRORISTS (NINE POLICE DEAD). SPAIN, WITH THE EXCEPTION OF THE BASQUE PROVINCES, FUNCTIONS NORMALLY. BUT CONCERN HAS SPARKED RUMORS OF CHANGE TO COPE WITH THE TERRORISTS. THE APPOINTMENT OF A HARD LINE GENERAL TO HEAD THE CIVIL GUARD HAS TAKEN PLACE, BUT THE MILITARY WANT NO PART OF THE IDEA OF A NEW, HEAVILY MILITARY GOVT. THE ANNOUNCEMENT THAT MILITARY COURTS HAVE YIELDED JURISDICTION TO CIVILIAN COURTS IN THE CASE OF 14 ETA MEMBERS RESPONDS TO FOREIGN CRITICISM OF THE LACK OF DUE PROCESS. THE GOS HAS DELAYED OTHER DECISIONS ON GOING AHEAD WITH PENDING TRIALS OF TERRORISTS. END SUMMARY

1. SPAIN, WITH THE EXCEPTION OF THE BASQUE COUNTRY, FUNCTIONS QUITE NORMALLY, BUT THERE IS AN UNCOMFORTABLE AND WELL-FOUNDED ASSUMPTION THAT TERRORISM WILL CONTINUE. SOMEONE KILLED A TAXI DRIVER IN THE BASQUE COUNTRY OVER THE WEEKEND, PROBABLY FOR POLITICAL MOTIVES. SINCE THE GOS RELIES ON TAXI DRIVERS FOR POLICE INFORMANTS, AND THE ETA KILLED ONE EARLIER, SUSPICION FALLS ON THE ETA.

2. THE GOVT HAS HURT THE ETA (BASQUE SEPARATISTS OF RADICAL MARXIST-LENINIST PERSUASION) BUT THE MIXTURE OF SEPARATIST SYMPATHIES, RESENTMENT AT GOVT REPRESSION AND THE INTIMIDATION BY THE ETA THAT ANIMATES THE BASQUE PROVINCES MAKES IT DIFFICULT FOR THE GOS TO ERADICATE IT, EVEN THOUGH NO ONE SUGGESTS THE INTENSELY CATHOLIC BASQUES SHARE THE ETA IDEOLOGY TO ANY SIGNIFICANT DEGREE, OUR CONSUL IN BILBAO REPORTS THAT BASQUE DISSIDENTS IN FRANCE BELIEVE THAT GOS REPRESSION HAS SWELLED THE RANKS OF THE ETA, EVEN THOUGH THE ETA LEADERSHIP HAS BEEN DECIMATED BY GOS ARRESTS. (THESE SOURCES CLAIM ETA HAS GROWN IN THE LAST SIX MONTHS FROM 40-70 MEMBERS TO
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"HUNDREDS".) ALSO, THE GOVERNOR OF VIZCAYA PROVINCE TOLD OUR CONSUL THE ETA HAD BEGUN TO TRY TO RECRUIT NON-BASQUES.

3. THE FRAP -- ALSO SELF-PROCLAIMED MARXIST/LENINISTS -- WHICH OPERATES SPORADICALLY IN THE REST OF SPAIN (AND WHOSE ACTIVITIES IN PORTUGAL HAVE CAUSED SPANISH INDIGNATION) HAS NO SUCH SYMPATHIES AMONG ANY SECTOR OF THE SPANISH

POPULACE. IN FACT, ONE IMAGINES THAT IF A POLL WERE TAKEN IT WOULD SHOW CLOSE TO UNANIMOUS REPROACH FOR ITS COLD-BLOODED MURDERS OF POLICEMEN. AND SUCH A POLL, WHATEVER THE RESULTS MIGHT HAVE BEEN BEFORE THE EXECUTIONS, WOULD NOW IN THE WAKE OF THE EUROPEAN REACTION PROBABLY SHOW A GOODLY MAJORITY OF SPAIN FAVORING THE DEATH PENALTY. THERE IS NO WAY TO MAKE THIS POLL, BUT WE SENSE ALMOST UNANIMOUS AGREEMENT ON THESE POINTS AMONG OBSERVERS OF THE LOCAL SCENE, SPANISH AND FOREIGN.

4. NONETHELESS, THE CAPACITY AND THE WILL TO VIOLENCE OF THESE TWO GROUPS HAS BEEN AMPLY DEMONSTRATED SINCE OCTOBER 1 (WITH THE DEATH OF THE MADRID POLICEMAN WOUNDED THAT DAY, THE TOLL OF POLICE HAS REACHED NINE IN THIS BRIEF SPAN). IN ADDITION, THREE INNOCENT BYSTANDERS HAVE DIED, AND AN ETA-CONNECTED BASQUE HAS BEEN ASSASSINATED IN A COUNTER-TERRORIST OPERATION, PRESUMABLY BY THE RIGHT-WING "GUERRILLEROS DE CRISTO REY".

5. THE VIOLENCE, NOT SURPRISINGLY, HAS SPILLED OVER TO FRANCE. AN ETA SPLINTER GROUP TRIED TO MURDER A SPANISH MILITARY ATTACHE IN PARIS. THE SPANISH RIGHT, PROBABLY WITH THE TACIT APPROVAL OF THE GOS, HAS TO DATE ENGAGED IN MODEST INCURSIONS INTO FRENCH BASQUE TERRITORY DESIGNED TO REMIND THE FRENCH THAT THE BASQUE PROBLEM IS FRANCE'S ALSO. COUNTER-TERROR WILL LIKELY INCREASE, IN SPAIN AT LEAST.

6. WHAT WILL THE REGIME (FRANCO). THE GOS (THE ARIAS GOVT), THE MILITARY AND THE CIVIL GUARD THINK OF BY WAY OF RESPONSE? SOME RUMORS SUGGEST A CALL TO NATIONAL UNITY VIA A NEW GOVT, IN WHICH THE MILITARY WOULD PLAY A PREDOMINANT ROLE. WE JUDGE THE MILITARY INSTITUTION, WHATEVER
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THE FEELINGS OF SOME INDIVIDUALS IN IT, WANT NO PART OF THIS. THE CHIEF OF THE HIGH GENERAL STAFF, VALLESPIN, MADE THIS CLEAR TO THE AMBASSADOR. WE SUSPECT THAT SUCH A GOVT WOULD ONLY BE AGREED TO BY THEM WITH GREAT RELUCTANCE AND AS A LAST RESORT.

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7. INSTEAD OF RADICAL PERSONNEL SHIFTS, THE GOS AT FRIDAY'S CABINET MEETING ANNOUNCED THE LONG-PREDICTED APPOINTMENT OF GENERAL CAMPANO LOPEZ (A TOUGH, HARD LINE OFFICER) AS NEW CHIEF OF THE CIVIL GUARD. A VETERAN OF CONFIDENTIAL

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THE BLUE DIVISION, HE SYMBOLIZES WHAT THE ANGRY CIVIL GUARDS WANT, A TOUGH ANTI-TERRORIST STANCE. AT ANOTHER LEVEL, THE GOS PROBABLY WANTS THIS STRICT DISCIPLINARIAN TO EXERT GREATER CONTROL OVER HIS UNRULY CHARGES WHO HAVE

EVEN STAGED DEMONSTRATIONS CALLING FOR ARIAS' OUSTER.

8. ANOTHER SCENARIO SUGGESTS A GREATER MILITARY ROLE IN THE REPRESSION OF TERRORISM, PARTICULARLY IN THE BASQUE PROVINCES WHERE THE ETA OPERATES IN THE COUNTRYSIDE AS WELL AS IN CITIES. THE IDEA HERE WOULD BE THAT THE USE OF HELICOPTERS AND MOBILE ARMY PATROLS IS THE SORT OF THING THAT THE MILITARY CAN DO AND THAT THE POLICE CANNOT. THIS MAY BE A MORE IMMINENT POSSIBILITY. THE MILITARY MAY RESIST THIS ALSO, FOR A WHILE AT LEAST. THE MILITARY, WHATEVER MIX OF POLITICAL VIEWS THAT IT HARBORS AMONG ITS VARIOUS GENERATIONS, SEEMS FAIRLY UNITED IN ITS DESIRE TO SERVE AS THE GUARANTOR OF THE STATE AND NOT TO SULLY ITS REPUTATION BY GETTING DIRECTLY INVOLVED IN THE MAINTENANCE OF PUBLIC ORDER.

9. YET ANOTHER SCENARIO, WHICH THE GOS HAS NOW CHOSEN TO IMPLEMENT IN PART, IS TO PLACE THE TERRORIST TRIALS IN CIVILIAN HANDS AND PROVIDE FOR A SPEEDY, BUT NO LONGER PRECIPITATE TRIAL PROCESS. THAT THIS SCENARIO, WHICH MAY SEEM ONLY A MATTER OF COMMON SENSE TO THE OUTSIDER, HAS ATTRACTED REGIME INTEREST, SUGGESTS THAT DESPITE THE BRAVE WORDS, THE SPANISH ESTABLISHMENT IS DEEPLY CONCERNED OVER THE NEED TO MITIGATE FOREIGN AND DOMESTIC REACTION TO THE DUE PROCESS ISSUE. THE GOS HAS TAKEN ADVANTAGE OF THE PROVISION OF THE ANTI-TERRORIST LAW (REF) THAT PERMITS MILITARY COURTS MARTIAL TO CEDE JURISDICTION TO THE SPECIAL PUBLIC ORDER TRIBUNALS TO REMAND THE TRIALS OF 14 ETA TYPES -- ROLLED UP BY THE POLICE IN THE NET THAT CAPTURED MUGICA, A TOP ETA LEADER -- TO THIS CIVILIAN COURT. ELEVEN OF THESE HAVE BEEN RELEASED ON PROVISIONAL LIBERTY. (MUGICA'S CASE, INVOLVING THE 1973 ASSASSINATION OF PRIME MINISTER CARRERO BLANCO, REMAINS IN MILITARY HANDS.) THE PUBLIC ORDER TRIBUNAL PERMITS A MORE ACTIVE DEFENSE AND AN APPEALS PROCESS TO THE SUPREME COURT. BUT IT RETAINS A POLITICAL CHARACTER, SINCE ITS JURISDICTION INCLUDES SUCH MATTERS AS DISTRIBUTION OF ILLEGAL PROPAGANDA.

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10. THIS STEP PERHAPS PRESAGES A CHANGE IN THE ANTI-TERRORIST LAW ITSELF, ALTHOUGH HARD LINERS MAY ARGUE THAT TO CHANGE THE LAW WOULD BE TO ADMIT ERROR. AN AUTHORITATIVE VERSION OF THIS OPTION COMES FROM ALDOLFO SUAREZ, THE LEADER OF THE POLITICAL ASSOCIATION MOST CLOSELY LINKED TO THE REGIME, THE UNDP. SUAREZ TOLD DCM AND EMBOFFS THAT IN HIS QTE PERSONAL VIEW UNQTE, THE DECREE/LAW ON PREVENTION OF TERRORISM SHOULD BE QUICKLY REVISED ELIMINATING AUTOMATIC SUMMARY COURT MARTIALS AND SUBSTITUTING CIVIL JURISDICTION. THIS NEW LAW SHOULD GO THROUGH THE ORDINARY LEGISLATIVE PROCEDURE

IN THE "CORTES" AND RECEIVE ENDORSEMENT OF ALL DEPUTIES THEREBY GIVING ANTI-TERRORIST MEASURES AND JUDICIAL PROCEDURES THE MOST MASSIVE POSSIBLE ENDORSEMENT OF THE SPANISH PEOPLE. SUAREZ, DESPITE HIS INTIMATE CONNECTION WITH THE REGIME, TERMED THE AUGUST DECREE/LAW A MISTAKE, ONE THAT LEFT SPAIN OPEN TO CIRITICISM EXTERNALLY, BUT MORE IMPORTANT HE SAID, INTERNALLY, ON GROUNDS OF DUE PROCESS. THE NEW LAW WOULD PROVIDE FOR SPEEDY TRIAL, BUT WOULD TAKE THE MILITARY OUT OF THE JUDICIAL PROCESS AND PROVIDE MINIMUM GUARANTEES FOR THE DEFENSE, ENDING THE SPECTABLE OF "FOUR-HOUR" TRIALS.

11. EMBASSY HAS HEARD FROM OTHER LAWYERS CLOSE TO GOVT CIRCLES THE SAME RECOMMENDATION. A COLONEL IN SPANISH JUDGE ADVOCATE BRANCH TOLD EMBOFF THAT THE USE OF A SUMMARY COURT MARTIAL WAS ENTIRELY PROPER UNDER WARTIME CONDITIONS IN WHICH THE ARMY HAS SUPREME POWERS. THIS WAS NOT THE CASE IN SPAIN TODAY SO THAT COURTS MARITAL FOR TERRORISTS SHOULD HAVE NO PLACE IN LEGAL PROCEDURE. HE SAID THAT SPECIAL PARAGRAPH ON TERRORISM IN 1971 AMENDMENT TO THE MILITARY CODE WAS IMPROPER. IT WOULD BE PREFERABLE TO SET UP SPECIAL JURISDICTION FOR CASES OF TERRORISM BUT ALWAYS UNDER ORDINARY CIVIL COURTS.

12. THE COLONEL BELIEVES THAT CONTINUED USE OF MILITARY JURISDICTION IN HANDLING CASES INVOLVING TERRORISM WILL INEVITABLY BE A CONTRIBUTING FACTOR TO THE POLITICIZATION OF THE ARMED FORCES. GOS SENSITIVITY TO ARMED FORCES VIEWS WAS EVIDENT IN THE MANNER IN WHICH THE SEPT 27 EXECUTIONS WERE CARRIED OUT. A MILITARY FIRING SQUAD WAS CONFIDENTIAL

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NOT USED; A FIRING SQUAD OF POLICEMEN EXECUTED THOSE CONVICTED OF HAVING KILLED CIVIL GUARD PERSONNEL AND A CIVIL GUARD SQUAD EXECUTED THOSE CONVICTED OF KILLING POLICEMEN.
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